

EXHIBIT 2

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 GOVERNMENT OF THE UNITED)
4 STATES VIRGIN ISLANDS)

5 Plaintiff,)

6 vs.)

7 JPMORGAN CHASE BANK, N.A.,)

8 Defendant/Third-)
9 Party Plaintiff.)

10 JPMORGAN CHASE BANK, N.A.)

11 Third-Party)
12 Plaintiff,)

13 vs.)

14 JAMES EDWARD STALEY,)

15 Third-Party)
16 Defendant.)

17 THURSDAY, JULY 6, 2023

18 CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

19 - - -

20 Videotaped deposition of Special
21 Agent Joseph Fonseca, FBI (Retired), held at
22 the offices of WilmerHale, 250 Greenwich
23 Street, New York, New York, commencing at
24 9:07 a.m. Eastern, on the above date, before
25 Carrie A. Campbell, Registered Diplomat
Reporter and Certified Realtime Reporter.

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1 relates to fraud and anything else

2 that's from the Act, I honestly -- I

3 can't tell you.

4 QUESTIONS BY MR. PENDELL:

5 Q. Well, and my question was a
6 little bit broader than that, and I apologize
7 if I asked a bad question. That may happen
8 from time to time. I'm notorious for asking
9 bad questions.

10 But I'm interested generally
11 in -- do you think that people and businesses
12 have an obligation to comply with the law,
13 whatever that law is?

14 A. I would agree, yes.

15 Q. Do you have any opinion as to
16 whether JPMorgan [REDACTED]

17 [REDACTED]
18 [REDACTED]?

19 A. I do not.

20 Q. No opinion one way or the
21 other?

22 A. I don't.

23 Q. Okay. Mr. Fonseca, what
24 subject areas do you consider yourself to be
25 an expert in?

1 A. Anything relevant to crimes
2 against children.

3 Q. Okay. You are not a certified
4 public accountant; is that correct?

5 A. That is correct.

6 Q. Okay. During your tenure as an
7 FBI special agent, I understand that based on
8 your CV, and we're going to talk about it a
9 little bit more later, you had some
10 supervisory authority for other special
11 agents; is that true?

12 A. That is correct.

13 Q. Okay. And during your time
14 with that supervisory authority over other
15 FBI special agents, did you expect that those
16 agents that you supervised were going to
17 gather as much evidence as possible for an
18 investigation that you were pursuing?

19 MR. BOUCHOUX: Objection to the
20 form.

21 THE WITNESS: I expected them
22 to do their job. Collecting evidence
23 was part of them doing their job, yes.

24 QUESTIONS BY MR. PENDELL:

25 Q. Do you ever recall a time when

1 under the age of 18, and the responsibility
2 for investigating that would fall outside of
3 crimes against children?

4 A. That is correct. That would --
5 if you're referring back to the human
6 trafficking scenario I just provided, if they
7 were here and not documented and they were
8 underage, the human trafficking squad -- the
9 public corruption squad and their agent that
10 worked human trafficking there for
11 undocumented -- and I'll say women because
12 that is pretty much what we saw, was women --
13 they would work that case, correct.

14 Q. And what about -- so if you had
15 sex trafficking of people under the age of 18
16 that were US citizens, would that fall under
17 crimes against children?

18 A. Correct. Adult or child, yes.

19 Q. Okay. When you say adult or
20 children, if somebody -- if there was a sex
21 trafficking operation and everyone involved
22 was over the age of 18, would crimes against
23 children, would that -- what do you call it,
24 a bureau or squad?

25 A. The squad.

1 Q. Is it fair to say that your
2 responsibility was in carrying out the
3 policies?

4 MR. BOUCHOUX: Objection to
5 form.

6 THE WITNESS: I would say my
7 obligations were to follow protocols
8 and to follow my experience in cases.

9 QUESTIONS BY MR. PENDELL:

10 Q. While employed by the FBI, were
11 you responsible for providing official
12 opinions interpreting FBI investigative
13 policy?

14 A. No, I was not.

15 Q. While employed by the FBI, were
16 you responsible for setting any other FBI
17 policies?

18 A. No.

19 Q. We talked a little bit about
20 your experience with the FBI in the crimes
21 against children squad.

22 I want to focus a little bit
23 more on your work within that department
24 specifically investigating sex trafficking.

25 How many investigations were

1 you involved in at the FBI that specifically
2 involved sex trafficking?

3 A. That's a difficult question to
4 answer, specifically because I was involved
5 as an investigator and as a coordinator for a
6 task force that saw a dozen cases a week. So
7 it was -- it could be more than that. So
8 it's difficult to answer that question. A
9 lot.

10 Q. Well, let me ask you this. You
11 had talked earlier about an example of a case
12 you worked on with -- I don't want to call
13 him a gentleman, because I would argue that
14 he's not, but a man who lured an underage
15 person over the Internet across state lines
16 for the purposes of sex.

17 Although reprehensible and a
18 criminal act, would you agree that that
19 particular instance is not sex trafficking?

20 MR. BOUCHOUX: Objection to the
21 form.

22 THE WITNESS: I can't tell you
23 what he was -- I can't tell you what
24 he was charged with, if we're talking
25 about that case with Smith and --

1 QUESTIONS BY MR. PENDELL:

2 Q. Do you think that the case
3 against Mr. Epstein was a routine sex
4 trafficking case in your opinion?

5 MR. BOUCHOUX: Objection to the
6 form.

7 THE WITNESS: Can you define
8 "routine"?

9 QUESTIONS BY MR. PENDELL:

10 Q. Well, I'm sort of
11 interested in -- let me -- well, let me ask
12 it this way.

13 You've come here and you've
14 testified based on your experience --

15 A. Uh-huh.

16 Q. -- that you've worked on
17 several, numerous, many, sex trafficking
18 cases, and you've never worked on one that
19 involved an individual with Mr. Epstein's
20 wealth.

21 So would you agree with me that
22 the sex trafficking case against Mr. Epstein
23 was not routine?

24 A. No.

25 Q. You would not agree with me?

1 A. I would not agree.

2 Q. Why not?

3 A. The supposition that wealth
4 matters when you are working a case that has
5 to do with paying juveniles small amounts of
6 money, which we saw in every case, to
7 sexually abuse them is not unusual. Your
8 wealth has nothing to do with those points of
9 the sexual abuse.

10 Q. Well, fair enough.

11 But we're not just talking
12 about wealth here, right?

13 Let me ask you this question.
14 How many sex trafficking cases have you been
15 involved in where there were over a hundred
16 victims?

17 MR. BOUCHOUX: Objection to the
18 form.

19 THE WITNESS: I don't think
20 any.

21 QUESTIONS BY MR. PENDELL:

22 Q. So would you agree with me that
23 a sex trafficking case with over a hundred
24 victims is not a routine case?

25 A. From the amount of victim point

1 of view, I would say based on my experience,
2 that is unusual to see that amount of
3 victims. The way of investigating the case
4 would not be unusual.

5 Q. A hundred victims is a lot,
6 isn't it?

7 A. A hundred victims is a lot
8 compared to just one victim, yes.

9 Q. And one victim is bad enough.
10 A hundred is --

11 A. Absolutely.

12 Q. -- unfathomable, right?

13 A. Absolutely.

14 Q. You said something about
15 wealth had nothing to do with making it
16 routine or not routine. I'm paraphrasing
17 here because you said something about small
18 amounts of money that were paid.

19 Have you looked at how much
20 money was involved specifically in this case?

21 MR. BOUCHOUX: Objection to the
22 form.

23 THE WITNESS: From the payments
24 that were made to the victims, I have
25 reviewed statements from the victims

1 to the term "banking information."

2 Vague. Ambiguous.

3 THE WITNESS: I know what --

4 part of our team would be our

5 intelligence analysts, but I never

6 used banking information, so I

7 don't -- I don't know who I'd assign

8 that responsibility to except an

9 intelligence analyst, I guess.

10 QUESTIONS BY MR. PENDELL:

11 Q. And let me ask you another
12 question in light of counsel's objection,
13 which was fair.

14 During your tenure with the FBI
15 investigating sex trafficking of children,
16 were you ever responsible for reviewing the
17 financial information of a suspect?

18 A. And to be clear, too, sex
19 trafficking is not just with children. We
20 investigated adults as well.

21 But the financial interest?
22 Your question about that was?

23 Q. Yes. Did you ever review the
24 financial information of a suspect?

25 MR. BOUCHOUX: Objection to the